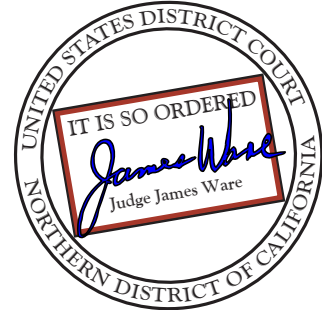


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Attorneys for Plaintiff
LEHMAN BROTHERS BANK, FSB



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LEHMAN BROTHERS BANK, FSB,
Plaintiff,

vs.

BOMAC MORTGAGE HOLDINGS, L.P., a
Texas limited partnership; and BOMAC
MORTGAGE GP, INC., a Texas corporation,
Defendants.

Case Number: C04-02415-JW
Related Case: C05-00713-JW

**STIPULATION AND ORDER FOR
DISMISSAL**

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, plaintiff LEHMAN BROTHERS BANK, FSB (“Lehman”), and defendants BOMAC MORTGAGE HOLDINGS, L.P. and BOMAC MORTGAGE GP, INC. (“Defendants”), by and through their respective counsel of record, stipulate (subject to this Court’s approval), that Lehman’s Complaint in this action is dismissed with prejudice.

It is further stipulated that BOMAC MORTGAGE HOLDINGS, L.P.’S Complaint in the related Case No. 05-00713-JW is dismissed with prejudice.

1 It is further stipulated that the parties shall bear their own attorney's fees and costs
2 incurred in connection with both of these actions.

3 DATED: September 29, 2005

SEVERSON & WERSON
A Professional Corporation

4
5 By: /s/ Patricia L. McClaran
6 Patricia L. McClaran

7 Attorneys for Plaintiff
8 LEHMAN BROTHERS BANK, FSB

9
10 DATED: September 26, 2005

KNAPP & VIOLA

11
12
13 By: /s/ Lawrence S. Viola
14 Lawrence S. Viola

15 Attorneys for Defendants
16 BOMAC MORTGAGE HOLDINGS, L.P. and
BOMAC MORTGAGE GP, INC.

17 **ORDER**

18 IT IS SO ORDERED.

19
20 DATED: 09/30/05

21 
22 _____
23 Honorable James Ware
24 United States District Judge